

9-1-1 ADVISORY COUNCIL

MARCH 17, 2016

ATTENDEES: Quinn Ness, PSCB, (for Ron Baldwin, Chair); Tom Butler, DOJ-MHP; Gary Macdonald, MACO; Peggy Glass, PSAPs < 30K; Kerry O'Connell, PSAPs >30K (Alternate); Michael Fashoway, State Library (Alternate); Jenny Stapp, State Library; Geoff Feiss, MTA; Zach Slattery, MT APCO (Alternate);

CONFERENCE CALL: Terry Ferestad, AT&T; Lisa Kelly, CenturyLink; Bill Hunter, PSAPs >30K; Rhonda Sullivan, PSCB

GUESTS: Curt Stinson, Helena PD; Chris Lounsbury, Missoula EMS; Sonya Nowakowski, Legislative Services; Shantil Siaperas, MACo; Sandra Barrows, Barrows Consulting; Marc Baker, AT&T/Charter; Dave Nielson, MT LC&T

CALL TO ORDER/INTRODUCTIONS: Quinn Ness called the meeting to order at 1:30 pm.

ADOPTION OF FEB MINUTES: Jennie Stapp moved to accept the February minutes, Geoff Feiss seconded. The motion carried.

9-1-1 JURISDICTION FYE CASH BALANCES: This information was requested by the council last month, and Quinn Ness provided a spreadsheet ([view here via electronic version](#)) depicting total cash balances for all jurisdictions:

- FY 2013-\$18.9M
- FY 2014-\$22M
- FY 2015-\$23.7M.

Quinn also reported that the City of Billings holds a balance of \$6.6 M and that the Billings City Council recently approved the purchase of property and the construction of a new 9-1-1 communications center. Gary Macdonald questioned where/how the city acquired this funding. Discussion ensued regarding whether correct steps are being taken, e.g., if funds are being adequately expended so that 9-1-1 calls can be dispatched and centers upgraded in a timely manner.

MISSOULA COUNTY PSAP BUDGET: Chris Lounsbury provided a summary of the Missoula County Budget State Special Revenue (aka the Quarter Fund):

Overview:

- Missoula's main PSAP has eight positions with two located at the Missoula Co. airport;
- There are generally five to six public safety communication officers (dispatchers) staffed onsite;
- There are 24 dispatcher FTEs, with four lead worker FTEs; and one 9-1-1 manager FTE;
- Their process was formed through an inter-local agreement between the city/county;
- Their 9-1-1 advisory board provides input into dispatch process and priorities (not a governing board);
- Their General Fund pays 90% of salary and fringe costs, as well as items not allowed under 9-1-1 funding guidelines;
- Quarterly Fund Operating Costs:
 - 9-1-1 service lines: \$160K
 - Capital expenses: \$425K

- Contracted services: \$223,271
 - Yearly training costs: \$19K
 - Operations: \$446,971
 - Salary/fringe rates: \$18,3326
- What this budget buys:
 - Annual 9-1-1 calls: 83,754
 - Non-emergency/admin calls: 93,232
 - Service to responder calls: 90,344
 - Calls for service (including officer initiated): 107,632
 - Attendance of required recertification continued education hours;
 - Provides education to public/civic groups.
- Purpose of the “Quarter Funds Trust”:
 - Primarily used to cover capital expenditures e.g., 9-1-1 phone system/recorder/equipment needed to comply with NFPA guidelines;
 - To address unplanned capital needs;
- Funding the 9-1-1 center takes 9.3 general fund mill levies, generating \$1.8M.
- Approximately three mill levies away from their general fund cap.
- Missoula Co. FY16 is projected at \$860,202.00.
- Challenges include local property taxes, capital and operations.

Quinn Ness advised that expenditure of state 9-1-1 funding decisions are made solely at the local level; and there’s nothing in statute that prohibits local governments from using state 9-1-1 funds for radio communications between emergency responders and dispatchers. There has been much discussion about why the department doesn’t adopt more rules; however, the same political concerns as to why legislation has not passed, is the same environment as to why administrative rules most likely won’t be adopted. Therefore, administrative rules may not solve these issues. Guidance is needed from stakeholders on issues such as self-regulation. If boundaries are required, they need to be identified in black and white then put into statute, along with statutes that will protect PSAPs and the ensure that the state funds are used for 9-1-1.

Quinn also reported that the legislature places caps on the numbers of mills that can be put in place, capping local government revenues. Without the State 9-1-1 funds, additional local taxes cannot be instituted to fully fund 9-1-1 dispatch centers, which is the consensus across the state. The state 9-1-1 funding is critical in order for local governments to operate 9-1-1 dispatch centers.

WIRELESS PROVIDER COST RECOVERY ACCOUNT: Quinn Ness presented information ([view here via electronic version](#)) depicting wireless provider cost recovery account annual balances and quarterly revenues. The current FY16 wireless enhanced 9-1-1 provider account total balance is approximately \$9.6 million.

Discussion ensued regarding costs/payments for/to provider wireless accounts and allocation of funds.

- Lisa Kelly reported a current budget of \$4M has been set aside to include upgrades for ESINet, selective routers and \$1M for PSAP CPE upgrades. This would mean that if the current model is used and the \$4M was spent upgrading the network, without a mechanism for state funding, rates for PSAPs would need to be increased.
- Quinn Ness: Need to keep in mind that small wireless providers have small customer bases, and they have no ability to recover these costs. Therefore, support is critical in being able to continue 9-1-1 services in rural wireless areas.

Discussion ensued regarding allowable costs for wireless provider cost recovery, and Quinn Ness provided the following input:

- Examples and references to the legal opinion that was recently reviewed/recommended by the council such as what would the wireless provider's incremental costs be to fulfill FCC regulations for 9-1-1.
- This example requires the ability to review cost recovery requests and identify allowable costs.
- Infrastructure (e.g., communications tower) is not a requirement of the FCC regulations and does not fit under the definition in state statute.
- Current statute does not allow companies to recover their costs of a full network upgrade to 4G LTE.
- What action the FCC may take in the future for identifying incremental NG 9-1-1 costs is yet to be seen; however, this council and providers can consider what avenues to take in the future.

LEGISLATIVE FUNDING RECCS: During the recent ETIC meeting, Quinn Ness and Geoff Feiss provided a briefing and update on status of recommendations regarding legislative concepts; however, there was no funding issues consensus.

The Council has recently voiced their opinion on the importance of implementing a Statewide 9-1-1 Plan, to include 9-1-1 legacy system/services, wireless enhanced and future NG9-1-1; and should also include budgetary estimates. Once presented to the legislature, this would demonstrate the need for deploying new technologies; and could be a basis for requesting additional funding.

Quinn reported it was suggested that a portion of the total revenues go into a grant account, however, if this council cannot come to a consensus on how to obtain funding, the recommendation should be pulled off the table.

- Gary Macdonald reiterated that it's MACO's stand to leave the .75 cents as is, and use .25 cents and the \$10M for NG9-1-1.
- Kerry O'Connell: Take the funding from where it would be most beneficial.
- Lisa Kelly: In order for wireless carriers to deliver NG911 services to PSAPs, the network will first have to be in place.

Sonya Nowakowski provided information on action taken by ETIC on three separate bill drafts:

- Bill #1: NG9-1-1: Use \$5M from Wireless Cost Recovery account on the following:
 - ESINet, router upgrades replacements;
 - \$80k to State Library consultant for GIS assessment;
 - updating language statute to accommodate NG9-1-1.
- Bill #2: Incorporate consensus regarding jurisdiction rule making and governance issues.
- Bill #3: Draft not complete, as council needs to make a decision to either 1) pursue a complete overhaul of 9-1-1 expenditures; or 2) move towards a statewide plan.

MOTION: Geoff Feiss moved to recommend to the Department and Legislative Interim Committee that the State 9-1-1 plan and GIS assessment (and any other required studies), be funded from the Wireless Cost Recovery Account. For purpose of discussion, Bill Hunter seconded. Jenny Stapp recommended endorsing each bill separately, and discussion ensued regarding how to draft the three bills. Geoff Feiss withdrew this motion.

MOTION BILL#1: Tom Butler moved to recommend to the Department and Legislative Interim Committee that the State 9-1-1 Plan along with a GIS assessment (and any other required studies), be funded from Wireless Provider Cost Recovery Account. Seconded by Gary Macdonald. The motion carried.

MOTION BILL#2: Bill Hunter moved to endorse the recommendations from the Legislative Interim Committee 9-1-1 Working Group, to use the Wireless Provider Cost Recovery account to fund the technology upgrades, including routers, PSAPs upgrades and completion of the ESINet, subject to an RFP. Jennie Stapp seconded. The motion passed.

No action was taken on bill #3.

PUBLIC COMMENT:

Chris Lounsbury: Recommended that the council consider rewriting the current statute to implement only one funding source, rather than drawing from multiple sources.

NEXT MEETING/ADJOURN: The next meeting is April 21, Mitchell Room 53, with morning/afternoon sessions: 9:30-11:30 and 1:30 to 3:30.